

**Summary of Major Changes to
707 KAR Chapter 1 to conform to
the Individuals with Disabilities Education Act (IDEA)**

707 KAR 1:280. Definitions

1. Added definitions of:
 - “change of placement because of disciplinary removals” and “serious bodily injury” based on federal law in the area of discipline;
 - “core academic subjects”, “course of study”, “high school diploma” and “postsecondary goals” based on federal law in the area of transition services;
 - “functional” based on federal law in the area of individual education programs (IEPs),
 - “interpreting services” based on federal law in the area of related services; and
 - “services plan” based on federal law in the area of services to students in private schools.
2. Made changes to
 - “assistive technology device”, “parent”, “related services”, and “specific learning disability” to conform to federal law; and
 - “hearing impairment” based on input from the field asking for clarification.

707 KAR 1:290. Free, Appropriate Public Education

1. Section 1, added language to clarify which students must receive a free appropriate public education (FAPE) based on changes in federal law.
2. Added a new Section 9 to prohibit local education agency (LEA) personnel from requiring parents to place students on medication as a condition of attendance in school or special education services based on federal law.
3. Added a new Section 10 regarding records of students who are migratory based on federal law.

707 KAR 1:300. Child find, evaluation, and reevaluation

1. Section 1, added new language to clarify responsibility for students placed in private schools by their parents based on federal law.
2. Added a new Section 2 to allow LEAs to conduct early intervening services for students prior to a referral for special education based on federal law.
3. Section 3, added language to prevent inappropriate over identification or disproportionate representation by race or ethnicity in special education and to explain early intervening services prior to a referral to special education based on federal law.

4. Section 4, added language to clarify evaluation and reevaluation processes based on federal law.

707 KAR 1:310. Determination of eligibility

1. Section 1, added language to clarify what types of information should be considered in making eligibility determinations based on federal law.
2. Section 2, added language that resulted in substantial changes to the criteria and method used to determine a specific learning disability based on federal law.

707 KAR 1:320. Individual education program

1. Section 2, added language based on federal law to state that minor non-programmatic changes may be made to an IEP without convening another admissions and release committee (ARC) meeting.
2. Section 2, added language based on federal law to clarify when the 60 school day timeline runs.
3. Section 3, added language based on federal law to clarify Admissions and Release Committee (ARC) membership for specific purposes such as transition from early intervention programs and for students who have a specific learning disability.
4. Section 5, made some minor changes based on federal law to the IEP itself, such as benchmarks and short-term objectives being optional depending on LEA procedures.
5. Added a new Section 6 based on federal law to clarify processes to follow for transfer students to ensure smooth transitions.
6. Section 7, added language based on federal law concerning transition services to postsecondary life.

707 KAR 1:330. Comprehensive system of personnel development

Deleted entire regulation as it no longer is addressed in federal law.

707 KAR 1:340. Procedural safeguards and state complaint procedures

1. Section 1, added language based on federal law to clarify how to convene an ARC meeting if the parent does not want to attend.
2. Section 5, added language based on federal law on obtaining parental consent and procedures to follow if the parent refuses to give consent for evaluations or services.
3. Section 6, added language based on federal law to clarify who can represent a child in this process if the biological or adoptive parent is not available.
4. Added a new Section 10 as allowed under federal law on dispute resolution meetings as an option for parents and LEAs to resolve disputes prior to requesting a due process hearing.
5. Section 13, made significant changes based on federal law to procedures for disciplinary actions.

6. Section 14, made significant changes based on federal law to the process to make manifestation determination decisions prior to disciplinary actions.
7. Added a new Section 15 based on federal law to explain parents' options if they disagree with disciplinary decisions.

707 KAR 1:350. Placement decisions

No significant changes were made.

707 KAR 1:360. Confidentiality of information

No significant changes were made.

707 KAR 1:370. Children with disabilities enrolled in private schools

1. Section 2, based on federal law changed the district that is responsible for students in private schools from the district where the child lives to the district where the private school is located.
2. Added a new Section 3 based on federal law on parental consent.
3. Added a new Section 4 based on federal law on the LEA's responsibility to provide services to students in private schools.
4. Added a new Section 5 based on federal law on how the LEA must consult with private schools in making decisions on services to provide.
5. Section 8, added language based on federal law to clarify what due process procedures are available if disputes with private school students arise.

707 KAR 1:380. Monitoring and recovery of funds

No significant changes were made.